

VZCZCXRO4717
RR RUEHAST RUEHCHI RUEHCN RUEHDT RUEHHM RUEHLN RUEHMA RUEHPB RUEHPOD
RUEHTM
DE RUEHJA #1421/01 2060320
ZNR UUUUU ZZH
R 240320Z JUL 08
FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC 9624
INFO RUEHXS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS
RUEHZN/ENVIRONMENT SCIENCE AND TECHNOLOGY COLLECTIVE
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUEHBK/AMEMBASSY BANGKOK 8491
RUEHKO/AMEMBASSY TOKYO 2272
RUEHBJ/AMEMBASSY BEIJING 5235
RUEHBY/AMEMBASSY CANBERRA 2817
RUEHUL/AMEMBASSY SEOUL 4768
RHMFIUU/DEPT OF ENERGY WASHINGTON DC
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC

UNCLAS SECTION 01 OF 02 JAKARTA 001421

SIPDIS

DEPT FOR OES AND EAP
USTR FOR MLINSCOTT, DBROOKS
USAID FOR ANE, EGAT
BANGKOK FOR RDM/A AND REO
NSC FOR CEQ CONNAUGHTON, VAN DYKE

E.O. 12958: N/A

TAGS: [EAID](#) [ENRG](#) [ETRD](#) [KGHG](#) [SENV](#) [PGOV](#) [ID](#)

SUBJECT: INDONESIA: IMPLEMENTING LANDMARK WASTE MANAGEMENT LAW A
CHALLENGE

11. (U) Summary. Prior to hosting the Ninth Conference of Parties (COP9) of the Basel Convention on Hazardous Wastes in June 2008, the Government of Indonesia (GOI) passed a landmark Waste Management Law (WML). Previously, a plethora of disparate local government regulations (PERDA) regulated waste management. The WML reflects Indonesia's commitment to climate change mitigation (by reducing methane gas production from waste) and helps to fulfill constitutional obligations to safeguard citizens' health and welfare. Implementation will be a challenge, however, as a minor controversy during COP9 illustrates. End Summary.

Indonesia - Controversial Host of COP9

12. (U) Even as Indonesia hosted the Ninth Conference of Parties (COP9) of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in Bali from June 23-27, it generated a minor controversy. At COP9, the Indonesian delegation, led by the Ministry of Environment (MOE), was championing a total ban on the import and export of hazardous wastes. However, it emerged that the Japan-Indonesia Economic Partnership Agreement (EPA), signed in August 2007 and which entered into effect July 1, 2008, allows the importation of a number of hazardous wastes categorized as goods -- including sewage sludge, medical waste, waste from chemical or allied industries, incinerator ash, and uranium enriched in U235. Minister of Environment Rachmat Witoelar admitted that the GOI would have to examine this apparent contradiction. The Indonesian Head of Delegation, Agus Purnomo, said that he was shocked by this apparent contradiction, and claimed that the Ministries of Industry and Trade did not involve the MOE in negotiating the EPA.

Background

13. (U) The volume of waste is growing exponentially due to the rapid growth of Indonesia's population and industrial activity. Municipal solid waste (MSW) in large metropolitan areas is growing annually by an average of 20.9 percent, according to MOE data from 12006. Previous waste management laws simply dealt with collecting, transporting and disposing wastes, and were inadequate for the increasing volume and types of waste produced. These were causing social, environmental degradation, and health problems, according to Hendarso Hadiparmono, Chairperson of the Special Committee of the Indonesian Parliament (DPR) for this legislation, and the DPR

concluded that Indonesia needed an umbrella law to regulate all aspects of waste management. Mountains of waste in open dumps produce methane gas (CH₄), contributing to global warming. Lack of community participation and limited budgets also make waste management difficult.

Indonesia Enacts Landmark Waste Management Law

¶4. (U) On April 9, 2008, the Indonesian Parliament approved Law No. 18 on Waste Management, and President Yudhoyono signed the WML into effect on May 7. Minister of Environment Rachmat Witoelar called the law a landmark step toward proper waste management in Indonesia and said it reflects Indonesia's commitment to climate change mitigation (by reducing methane gas production from waste). According to Deputy Minister of Environment for Environmental Management Ilyas Asaad, the WML is one of his ministry's major achievements since the GOI passed the Environmental Management Act (EMA) in 1997. The GOI and local governments have three years in which to enact the implementing regulations. Deputy Minister Ilyas says that these will include 11 national government regulations (PP), two ministerial regulations, and 11 local government regulations (PERDA), on matters such as waste management oversight, implementation of administrative sanctions, and compensation.

¶5. (U) The GOI hopes that the WML will address Indonesia's waste problem, by establishing clear waste categories and clear roles and responsibilities for the central and local governments, the private sector, and local communities. The GOI also intends the legislation to create incentives and disincentives for the private sector to increase the use of recycled materials in their products. The WML also includes:

JAKARTA 00001421 002 OF 002

-- Provisions for cooperation and partnership, opening up opportunities for regency/city -business partnership in waste processing activities, as well as community participation in waste management;

-- Prohibitions and legal sanctions: The law bans importing hazardous and toxic waste. The WML also stipulates legal sanctions for violators of the law, including prison terms and administrative fines ranging from 3- 15 years and 100 million to 5 billion rupiah (approximately USD 10,800-541,000), respectively; and

-- Obligations: Local governments have one year to develop plans to close open dumping areas, and implement those plans within five years after the law comes into force. Local governments are required to evaluate dumping areas every 6 months during a 20-year operation period, and establish emergency response systems for accidents involving dumps.

A New Paradigm of Waste Management

¶6. (U) The WML is a "paradigm shift" for Indonesia, according to Hendarso, in that it considers waste an economic resource, and introduces the 3R concept: reduce, reuse, and recycle. Also reflected in Chapter IV of the law is the concept of extended producer responsibility (EPR) -- based on the "polluter pays" principle, a policy that entails making manufacturers responsible for the entire lifecycle of the products and packaging they produce. The central and local governments have to encourage all parties to introduce integrated waste management. The first pilot implementation projects will be in three cities: Jombang (East Java), Singaperbangsa (West Java) and Magelang (Central Java). Deputy Minister of State Minister of Environment for Pollution Control, M. Gempur Adnan says that the government will push 26 big and metro cities to close open dumping areas within five years.

Support for Implementation Welcome

¶7. (U) Atik, Assistant to the Deputy Minister of Environment for Environmental Management, admits that it will be challenging to complete all the implementing regulations within one year. She notes that the Government welcomes any support (including from donor countries) for the process of drafting implementing regulations.

Implementation of existing laws has been weak, and without visible enforcement, the new WML will have little practical effect.

HUME